

MEETING #20 April 2

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on April 2, 2014 at 7:00 p.m. in the Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert W. Campbell, Member
R. Clay Jackson, Member
V. R. Shackelford, III, County Attorney
Ernest C. Hoch, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: Kevin McGhee, Member
Jacqueline S. Frye, Deputy Clerk

Planning Commission:

1. Call to Order/Determine Presence of a Quorum

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors and the Madison County Planning commenced the meeting with the Pledge of Allegiance and a moment of silence.

3. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted a Quorum was present.

4. Approval of Minutes

The minutes of the March 5, 2014 Joint Meeting were approved as presented.

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then recommended onto the Madison County Board of Supervisors either for approval or tabling.

5. Action Items:

- a. Case No. SU-03-14-07: Request by James K. Durham, contract buyer of property owned by the Estate of Thomas A. Pastore, for

an indefinite special use permit to operate a cabinet, woodworking or wood assembly shop under cover. This property is located on Route 231 (5184 N. Blue Ridge Turnpike) a Banco and contains 5.168 acres of land, zoned A-1 with floodplain. This request has been approved by the Highway Department by a letter dated February 19, 2014, and has been approved by the Madison Health Department by letter from Dwayne Dixon, Sanitarian, dated February 4, 2014.

James K. Durham, applicant, and Mike Powell, Attorney, were both present to answer any questions pertaining to tonight's request.

Mr. Durham proceeded to advise that he does not want to limit his business to a certain number of employees; he advised he will come to an agreement pertaining any parking at the site. Additionally, he will be picking up his own materials with an occasional delivery being made by UPS, and he will not block the right-of-way on the property. He also advised the far side of the right-of-way to the building is about ninety-four feet (94').

Mr. Yowell referred to information discussed during the workshop session pertaining:

Will Tanner, Attorney, John James and Patrick Byers were also present.

Mr. Byers submitted a list of conditions for consideration pertaining to tonight's request which included:

- No residential use of the property
- Four (4) conditions on the special use permit
- Mr. Durham and one (1) employee
- Mr. Durham to make delivers and no deliveries of materials
- No interference with their (Byer's Family) use of the fifty foot (50') right-of-way

It was advised that tonight's request was discussed during a precious workshop session which focused on conditions brought forth. Discussions among the Commission members yielded no issues with implementing certain restrictions.

The County Attorney advised that 'residential use' is a use by right and he suggested the wording submitted (by another citizen) doesn't recognize the aforementioned right, and referred to the wording submitted by Mrs. Grayson. In closing, he agreed there cannot be two (2) uses at the site (i.e. residential and woodworking), as this has been a past issue and should be addressed.

Mr. Yowell, Commission Chair, advised the wording submitted denotes that ‘no residential use shall be made at the property unless the required permits are obtained from the Zoning Administrator and the Building Official.’

Mrs. Grayson also clarified there has been no zoning or building approval for a living space to be in place at the property being discussed.

After discussion, the Madison County Planning commission recommended that Case No. SU-03-14-07 be referred onto the Madison County Board of Supervisors for approval, with the conditions that:

- a) No residential use shall be made at the property unless the required permits are obtained from the Zoning Administrator and Building Official
 - b) Reference be made to Madison Health Department’s approval letter for the number of employees
 - c) Special use permit goes with the property (land)
- b. Case No. SU-04-14-08: Request by Joe E. or Rosemary F. Campbell for an indefinite special use permit to operate a one-bedroom lodging unit for one to two people This property is located on Route 603 (246 Duet Road) near Haywood and contains 3,500 acres of land, zoned A-1. (Pending a variance request for two uses on less than 6 acres of land). This request has been approved by the Highway Department by letter dated March 20, 2014. A letter was received from Dwayne Dixon, Sanitarian, dated September 30, 2013, that advised of no objections to the special use permit to operate a transient lodging facility for one lodging unit and no meals to be prepared for a guest.

Rosemary Campbell to answer questions pertaining to tonight’s request and advised the request is pending a variance for two (2) uses on less than six (6) acres of land. The unit will be for lodging only and no meals will be served.

After discussion, the Madison County Planning commission recommended that Case No. SU-04-14-08 be referred to the Madison County Board of Supervisors for approval with the conditions that:

- a) Lodging will be for one (1) to two (2) people only with no meals to be served
 - b) Pending the variance request for two (2) uses on less than six (6) acres
 - c) The special use permit will go with the applicant only.
- c. Case No. Z-04-14-09: Request by Katherine L. Estes, et. als. to rezone 10.00 acres from Business, B-1 to Agriculture, A-1 to Business, B-1. This property is located off Route 29 Northbound Lane near Oak Hill, zoned Business, B-1 and Agriculture,

A-1. A letter has been received from the Highway Department dated March 20, 2014 stating no objections to the rezoning request.

Michael Yoder was present to answer any questions pertaining to tonight's request.

After discussion, the Madison County Planning commission recommended that Case No. Z-04-14-09 referred onto the Madison County Board of Supervisors for approval.

d. Case No. SP-04-14-10: Request by Katherine L. Estes, et. als. for a site plan request for the construction of a commercial retain building for Yoder's Country Market. This property is located off Route 29 Northbound Lane near Oak Hill, zoned Business, B-1 and Agriculture, A-1. (Pending the above rezoning request to Business, B-1). No revised zoning plans have been received to date or approvals. A conversation was held on April 2, 2014 at 10:07 a.m. with Michael Yoder, at which time, he advised he will request the request be tabled during tonight's meeting.

Michael Yoder was present and requested the case be tabled for one (1) month.

e. Case No. SP-04-14-11: Request by Oak Grove Mennonite Church for a site plan request for the construction of a ladies dormitory for Mountain View Nursing Home. This property is located on Route 607 (1776 Elly Road) near Aroda, zoned A-1. Revised plans were received this afternoon. A letter was read from Suzan Gallihugh and will be documented as a part of the record. A letter was received from the Highway Department dated March 28, 2014. A letter was also received from the Wastewater Treatment Plant Operator, Timothy Clemons, stating the capacity should be adequate for this proposed improvement. No approval has been received from the Culpeper Soil & Water Conservation District. A letter was received from Eldon Hochstetter dated March 28, 2014 regarding the potable water supply.

Mr. Yowell, Commission Chair, read a letter submitted by Ms. Suzane Gallihugh (attached to the minutes) for the record.

Marvin Hinchey, Engineer, was present to answer questions pertaining to tonight's request.

Betty Grayson, Zoning Administrator, advised that if a project is located within an agricultural (A-1) zone, Brian Daniel, Erosion & Sedimentation Technician, can administratively approve the request once final approval has been received from the Culpeper Soil & Water Conservation District.

Mr. Hinchey advised that in conversing with Mr. Jacobs of the CSW, documentation will be completely soon. An architectural blueprint was provided for review. It was also advised the applicant would like to replace an existing dormitory at the facility.

Eldon Hochstetter was present to address concerns submitted by Suzane Gallihugh, and advised that Ms. Gallihugh's property is located 500 feet from the facility. He also advised the lights will be set to shut off between 9:30 p.m. and 10:00 p.m. nightly.

The County Attorney suggested the Commission explain the water system in place for the dormitory.

Mr. Hochstetter advised there is a potable water system in place at the facility that is under the jurisdiction of the Culpeper Office of Water System Programs that is inspected by them; staff also monitors the system daily. Additionally, there is a requirement that the system have at least a half day supply on hand (i.e. use of about 10,000.00 gallons of water per day – a half day will equal 5,000 gallons). He also reported the wastewater system falls under the jurisdiction of the Department of Environmental Quality and they regularly monitor the system.

Mr. Yowell questioned whether the only condition still needing to be attained is from the Culpeper Soil & Water Conservation District.

After discussion, the Madison County Planning Commission recommended that Case No. SP-04-14-11 be referred to the Madison County Board of Supervisor for approval, pending approval from the Culpeper Soil & Conversation District.

Mr. Yowell advised the Commission's workshop will be held on Wednesday, April 16, 2014 at 7:00 p.m. Discussions will focus on the storm water ordinance and the flood plain ordinance.

6. Adjournment:

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

7. Call to Order

Chairman Lackey called the Madison County Board of Supervisor's portion of tonight's meeting to order.

8. Determine Presence of a Quorum

Chairman Lackey advised a quorum was present.

9. Adoption of Agenda

Supervisor Jackson moved tonight's agenda be approved, seconded by Supervisor Weakley, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Absent

10. Resolution – Mary L. Breeden

Chairman Lackey advised the Madison County Board of Supervisor would like to move forward with the presentation of a Resolution in honor of Mrs. Mary L. Breeden.

Supervisor Jackson moved the Board accept the Resolution as presented, seconded by Supervisor Campbell, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Absent

Action Items:

a. Case No. SU-03-14-07: Request by James K. Durham.....

Concerns verbalized by the Board regarding the limitations being imposed and whether the easement could be attached to another right-of-way, and whether a portion of the property situated along the right-of-way doesn't contain a septic and could be used for parking.

It was also questioned as to whether the applicant would ever consider staying overnight at the site after working extended hours.

Clarification was made that the property cannot have two (2) uses and the applicant isn't seeking an additional use at the present time.

Mr. Durham advised that at some point, he might remain overnight due to working extended hours during a day.

Chairman Lackey questioned whether a portion of the acreage across the right-of-way from the mill contained a septic system.

Mr. Durham advised the septic system is about 300' from the building; the area in question can be utilized for parking if necessary.

John James was present and expressed no objection toward the request for a special use permit, but was under the impression there wasn't going to be another special use permit for the property being discussed or the conditions. He advised his driveway was built temporarily (contains a large water puddle) and he'd like to apply for a variance.

Betty Grayson, Zoning Administrator, advised that Mr. James doesn't have 250 feet of frontage in place (i.e. only has 75 feet). In closing, she advised that Mr. James cannot apply for a variance based on the entrance regulations- based on the County's Zoning Ordinance, a special use permit will be required from the point of nearest relief and must be considered by the Madison County Planning Commission and the Madison County Board of Supervisors.

Concerns were verbalized that Mr. James was advised of the location of the right-of-way when the property was purchased. It was also noted that Mr. Durham purchased the property and the burden of having the right-of-way pass through his property is his own; however, it's hoped the special use permit will alleviate the issue in question, and may provide a resolution for all parties involved.

Supervisor Campbell moved that Case No. SU-03-14-07J be approved as recommended by the Madison County Planning Commission, with the conditions as stated, with the exclusion of Condition #1.

- ~~No residential use shall be made at the property unless the required permits are obtained from the Zoning Administrator and Building Official~~
- Reference be made to Madison Health Department's approval letter for the number of employees
- Special use permit goes with the property (land)

****Motion died for the lack of a second****

Supervisor Jackson moved that Case No. SU-03-14-07 be approved as recommended by the Madison County Planning Commission with the conditions that state:

- No residential use shall be made at the property unless the required permits are obtained from the Zoning Administrator and Building Official
- Reference be made to Madison Health Department's approval letter for the number of employees
- Special use permit goes with the property (land)
- A total of five (5) employees will be allowed (as per letter from the Madison Health Department)

Seconded by Supervisor Weakley.

Supervisor Campbell suggested the property be allowed to be used as a residence in the future, as was in the past, without the applicant having to return for additional approval.

With the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Nay
Kevin McGhee	Absent

b. Case No. SU-04-14-08: Request by Joe E. or Rosemary Campbell.....als.....

Supervisor Weakley questioned whether the request will fall under the transient occupancy tax.

Betty Grayson, Zoning Administrator, advised the applicant has already met with the Commissioners' Office regarding the proposed transient occupancy tax payment.

Mrs. Campbell advised remarks regarding the other landowners and a particular owner is entitled to an entrance.

Betty Grayson, Zoning Administrator, advised that a letter has been forwarded to the individual with no response being received to date.

Mrs. Campbell advised that information was provided from the Commissioner's Office regarding the process that will be required for her to follow.

Supervisor Campbell moved the Board approve Case No. SU-04-14-08 as recommended by the Madison County Planning Commission, pending the variance request and with the conditions that:

- Lodging will be for one (1) to two (2) people only with no meals to be served
- Pending the variance request for two (2) uses on less than six (6) acres
- The special use permit will go with the applicant only

Seconded by Supervisor Weakley, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Absent

c. Case No. Z-04-14-09: Request Katherine L. Estes, et. als.....

Supervisor Campbell questioned if the applicant has been advised pertaining the difference in the proposed tax base from an A-1 to a B-1 zone.

Supervisor Campbell moved the Board approve Case Z-04-14-09 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Jackson, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Absent

d. Case No. SP-04-14-10: Request by Katherine L. Estes, et. als.....

Chairman Lackey advised this case has been tabled by the applicant.

e. Case No. SP-04-14-11 Request by Oak Grove Mennonite Church.....

Supervisor Campbell moved the Board approve Case No. SP-04-14-11 as recommended by the Madison County Planning Commission (pending approval from the Culpeper Soil & Conversation District), seconded by Supervisor Weakley, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye

Robert Campbell	Aye
Kevin McGhee	Absent

5. Information/Correspondence (if any)

Resolution (to General Assembly to adopt a budget in a timely manner):

The County Administrator provided a resolution (composed by VACo and Culpeper County) for review and advisement.

Supervisor Jackson moved the Board accept Resolution #2014-3 [To Request the Governor and General Assembly Pass a State Budget in a Timely Manner], seconded by Supervisor Campbell, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

CIP Meeting & School:

Supervisor Campbell questioned whether the meeting scheduled with the school system on Friday will call for the entire Board or individual members can attend.

The County Administrator advised that two (2) members are allowed to attend; if three (3) or more attend, it will be considered an open meeting and will need to be advertised.

Supervisor Campbell suggested the school system be requested to forward any changes in the salary of the Clerk of the Works and any contractual changes onto the Madison County Board of Supervisors as a matter of courtesy (as per the adopted Memorandum of Understanding).

Supervisor Weakley concurred with the aforementioned suggestion and also suggested that any changes be provided to the Board's two (2) representatives.

After discussion, it was advised that Supervisor Campbell and Supervisor McGhee have conveyed the aforementioned suggestion (to the school board representatives) at the previous CIP meeting.

The County Administrator also advised that a previous requisition submitted for payment contained an error and was uncovered by a request for clarification.

Goals/Objectives:

Chairman Lackey suggested members provide a listing of any proposed goals/objectives and forward them onto the County Administrator.

Tourism/Economic Summit:

Chairman Lackey advised that today's economic summit was a success and feels many citizens are enthusiastic about working through some of the issues/challenges discussed in today's forum.

6. Adjournment

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor McGhee, Chairman Lackey adjourned the meeting, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Absent

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: May 13, 2014

Copies to: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell;
Kevin McGhee, V. R. Shackelford, Constitutional Officers

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Agenda
"Joint Meeting
Madison County Board of Supervisors
Wednesday, April 2, 2014 at 7:00 p.m.
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



Planning Commission

1. Call to Order
- 2. *Pledge of Allegiance & Moment of Silence***
3. Determine Presence of a Quorum
4. Approval of Minutes
5. Action Items:

- a. Case No. SU-03-14-07: Request by James K. Durham, contract buyer of property owned by the Estate of Thomas A. Pastore, for an indefinite special use permit to operate a cabinet, woodworking or wood assembly shop under cover. This property is located on Route 231 (5184 N. Blue Ridge Turnpike) at Banco and contains 5.168 acres of land, zoned A-1 with floodplain.
- b. Case No. SU-04-14-08: Request by Joe E. or Rosemary F. Campbell for an indefinite special use permit to operate a one-bedroom lodging unit for one to two people. This property is located on Route 603 (246 Duet Road) near Haywood and contains 3.500 acres of land, zoned A-1. (Pending a variance request for two uses on less than 6 acres of land.)
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- d. Case No. SP-04-14-10: Request by Katherine L. Estes, et. als. for a site plan request for the construction of a commercial retail building for Yoder's Country Market. This property is located off Route 29 Northbound Lane near Oak Hill, zoned Business, B-1 and Agriculture, A-1. (Pending the above rezoning request to Business, B-1.)

- e. Case No. SP-04-14-11: Request by Oak Grove Mennonite Church for a site plan request for the construction of a ladies dormitory for Mountain View Nursing Home. This property is located on Route 607 (1776 Elly Road) near Aroda, zoned A-1.

6. Adjournment

Board of Supervisors

- 7. Call to Order
- 8. Determine Presence of a Quorum
- 9. Adoption of Agenda
- 10. Resolution – Mary L. Breeden
- 11. Action Items:
 - a. Case No. SU-03-14-07: Request by James K. Durham.....
 - b. Case No. SU-04-14-08: Request by Joe E. or Rosemary F. Campbell.....
 - c. Case No. Z-04-14-09: Request by Katherine L. Estes, et. als....
 - d. Case No. SP-04-14-10: Request by Katherine L. Estes, et. als.....
 - e. Case No. SP-04-14-11: Request by Oak Grove Mennonite Church.....
- 12. Resolution to the General Assembly & Governor Concerning 2015 State Budget
- 13. Information/Correspondence
- 14. Adjournment